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| EXAMINER |
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DINH, KHANH Q

| ART UNIT | PAPER NUMBER |
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2155

17

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/235,084

Applicant(s)

WALBECK ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. This is in response to the Request for Continued Examination (paper # 15) and Amendment B (Paper # 16) filed on 10/8/2003. Claims 1-16 and 19-33 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 19-25, 27, 28 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Norin et al., US pat. No.5,787,247.

As to claim 19, Norin discloses: creating a node database containing information about said nodes (see abstract, figs. 1, 2, col.8 line 30 to col.9 line 65 and col.12 line 5 to col.13 line 56), designating an active gateway node to maintain said node database, said active gateway node

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providing one or more access methods to access said node database (i.e., using monitoring functions, col.15 line 11 to col.16 line 57) and mirroring said node database in one or more standby server nodes (i.e., replicate resource, see col.13 line 18 to col.15 line 60).

As to claims 20 and 21, Norin discloses internal node database further comprising rules that specify actions to be taken upon a state change of a client node and interpreted by a rule engine (see col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 22 and 23, Norin discloses generating event notifications when said state change occurs provided to a dispatcher (see fig.2, col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 24 and 25, Norin discloses translating rules into a rule definition language and a change in an instance variable of the client node (see col.17 line 7 to col.19 line 65 and col.24 line 1 to col.26 line 27).

As to claim 27, Norin discloses activating one of said standby server nodes after said active server becomes inactive (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claim 28, Norin discloses encapsulating raw packets in a first protocol into wrapper packets in said desired protocol and tunneling said raw packets through said desired protocol (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claim 31, Norin discloses an event handler configured to notify a user application when a change occurs in an instance variable of said client node (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

Claim Rejections - 35 USC 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that form the basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9, 10, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as
Being unpatentable over Norin et al US pat. No.5,787,247 in view of Chau et al., US pat.
No.5,550,906.

As to claim 1, Norin discloses a computer network gateway comprising: an internal node (34 fig.2) database comprising information about nodes on a network (see abstract, figs.1, 2, col.8 line 30 to col.9 line 65 and col.12 line 5 to col.13 line 56), an application programming interface to communicate with said nodes and a software module (i.e., using monitoring functions, col.15 line 11 to col.16 line 57) configured to provide an active mode and a standby mode, said active mode configured to maintain a said internal node database and to provide access to said node database, said standby mode configured to maintain said internal node database as a mirror copy (i.e., replicated resource) of an external node database (also see col.13 line 18 to col.15 line 60).

Norin does not specifically disclose using a converter configured to communicate using one or more data protocols and then transmitting one or more data protocols over the network.

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However, the use of a protocol converter (40 fig.1) configured to communicate using one or more data protocols and then transmitting one or more data protocols over the network is generally well known in the art as disclosed by Chau (see fig.1, col.4 line 42 to col.5 line 57 and col.11 lines 7-61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Chau's protocol converter to process data communications because it would have provided backward-compatible arrangement for all communications protocol types of the multimedia environment (see col.1 line 42 to col.2 line 61).

As to claim 2, Norin discloses internal node database further comprising rules that specify actions to be taken upon a state change of a client node (see col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 3 and 4, Norin discloses rules are simple and complex rules (see col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 5-7, Norin discloses a rules engine configured to interpret rules, shims configured to translate rules into a rule definition language and a change in an instance variable of the client node (see col.17 line 7 to col.19 line 65 and col.24 line 1 to col.26 line 27).

As to claims 9 and 10, Norin discloses transitioning to said active mode when an unacknowledged client request is detected and configured to tunnel a first protocol through a second protocol (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

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As to claim 13 and 14, Norin discloses an event handler configured to notify a user application when a change occurs in an instance variable of said client node (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claim 16, Norin discloses user interface is configured to allow a user to control nodes on a power line network (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

6. Claims 8, 11, 12, 15, 26, 29, 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norin et al., US pat. No.5,787,247 in view of Chau et al., US pat. No.5,550,906.

As to claims 8, 11, 12, 15 and 33, Norin and Chau's teachings still applied as above. Neither Norin nor Chau specifically discloses the use of ping requests, power line protocol, PLX protocol and an Internet browser. However, an Official Notice is taken that the use of such protocol and interface is generally well known in the art. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement well-known teachings into the system of Norin to process and control data processing systems because it would have controlled data processing systems more quickly (for example, Golden of the US pat. No.6,272,127 discloses the use of ping requests, power line protocol, PLX protocol and an Internet browser, see col.20 lines 37-57, col.29 lines 46-67 and col.54 lines 26-60).

Claim 26 is rejected for the same reasons set forth in claim 8. As to the added limitation, Norin further discloses listening for responses to said requests, said responses used to update said node

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database (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

Claims 29, 30 and 32 are rejected for the same reasons set forth in claims 11, 12, 15 respectively.

Response to Arguments

7. Applicant's arguments with respect to claims 1-16 and 19-33 have been considered but are moot in view of the new ground(s) of rejection.

Other prior art cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Gleeson et al. US pat. No.5,627,829.

b. Karol et al., US pat. No.6,628,617.

Conclusion

9. Claims 1-16 and 19-33 are *rejected*.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 4:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone number for the

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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
10/17/2003



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER